

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AMERICAN BROADCASTING COMPANIES,
INC., DISNEY ENTERPRISES, INC.,
TWENTIETH CENTURY FOX FILM
CORPORATION, CBS BROADCASTING INC.,
CBS STUDIOS INC., FOX TELEVISION
STATIONS, LLC, FOX BROADCASTING
COMPANY, LLC, NBCUNIVERSAL MEDIA,
LLC, UNIVERSAL TELEVISION LLC, AND
OPEN 4 BUSINESS PRODUCTIONS, LLC,

Plaintiffs and Counterclaim
Defendants,

- against -

DAVID R. GOODFRIEND and SPORTS FANS
COALITION NY, INC.,

Defendants and Counterclaim
Plaintiffs.

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19 Civ. 7136 (LLS)

ORDER

Non-parties Charter Communications Inc., DISH Network L.L.C., and AT&T and DIRECTV, LLC move to seal or redact certain documents submitted in support of plaintiffs' and defendants' motions for summary judgment. (Dkt. Nos. 165, 170 and 157). Plaintiffs CBS Broadcasting Inc. and CBS Studios Inc. also move to redact portions of an exhibit filed in support of defendants' motion for summary judgment. (Dkt. No. 160). The Court's rulings on the requests are as follows:

1. Charter

Charter's request to seal Exhibits 33-35 submitted in support of plaintiffs' motion for partial summary judgment is granted, and plaintiffs are permitted to redact the portions of their summary judgments filings that relate to those three

Charter documents.

2. DISH

DISH's request to seal Exhibits 22, 24 and 38 submitted in support of plaintiffs' motion for partial summary judgment is granted, as these documents contain information regarding the development of marketing plans and business strategy, including the underlying statistics supporting strategic decisionmaking, and disclosure of such information could lead to competitive harm. Defendants may also redact Mr. Ergen's phone number from Exhibit 51 filed in support of their motion for summary judgment.

DISH's remaining sealing requests are denied. The information DISH seeks to redact affects issues in plaintiffs' summary judgment motion and submitted for the Court's consideration, with no particular indication that its confidentiality is critical to the operations of DISH's business. The rote statements in the attached Declarations that "If a competitor were to learn this information" or "gain access to this knowledge" "it would greatly impair DISH's business" are insufficiently specific to describe any particular competitive harm resulting from disclosure of the identified information.

3. AT&T

AT&T's request to seal Softness Declaration Exhibits A & B is granted.

Plaintiffs may also redact all, except the first (one line)

and second paragraphs, of the letter between counsel (Exhibit C). Plaintiffs may also redact line 12 on page 186 through line 1 on page 187 of Exhibit E, and line 4 on page 46 through line 5 on page 47 and line 3 on page 97 through line 16 on page 98 of Exhibit F.

Defendants may redact lines 18-20 on page 78 of Exhibit D.

4. CBS

CBS's request to redact the designated portions of pp. 218 and 219 of Mr. Orlando's deposition is granted.

Pursuant to the Court's June 3, 2021 Order, the parties have five days to re-file their summary judgment documents in accordance with this Order.

So Ordered.

Dated: New York, New York
June 15, 2021

Louis L. Stanton
LOUIS L. STANTON
U.S.D.J.